

New Jersey Child Custody FAQ's

1. I have heard that the woman always wins a fight for custody of children. Is this true?

No. One of the most difficult issues facing people since biblical times has been the issue of who should be given residential custody of a child when custody is in dispute.

In New Jersey, our statutes make it clear that in a proceeding involving the custody of a minor child, the rights of both parents shall be equal.

2. How does a judge determine whether the father or the mother should have custody of the child?

In making its decision on custody, the New Jersey Court is supposed to consider (but not be limited to) the following factors:

- a. the parents' ability to agree, communicate and cooperate in matters relating to the child;
- b. the parents' willingness to accept custody and any history of unwillingness to allow parenting time not based on substantiated abuse;
- c. the interaction and relationship of the child with its parents and siblings;
- d. the history of domestic violence, if any;
- e. the safety of the child and the safety of either parent from physical abuse by the other parent;
- f. the preference of the child when of sufficient age and capacity to reason so as to form an intelligent decision;
- g. the needs of the child;
- h. the stability of the home environment offered;
- i. the quality and continuity of the child's education;
- j. the fitness of the parents;
- k. the geographical proximity of the parents' homes;
- l. the extent and quality of the time spent with the child prior to or subsequent to the separation;

- m. the parents' employment responsibilities; and the age and number of the children.

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This article is not intended to be viewed as legal advice. Every case is different, and the reader should be advised to contact an attorney for complete legal advice on a given issue.

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